

REMARKS

This application is amended in a manner to place it in condition for allowance at the time of the next Official Action.

Status of the Claims

Claims 18 and 31 are amended to include the ranges recited in dependent claims 22 and 35, respectively. Claim 43 is amended in a similar manner. Support may be found, for example, at page 7, lines 4-6, and all of the Examples include the claimed amount of oil.

Claims 22 and 35 have been canceled.

Claims 18-34 remain in this application.

Claims 26, 27, 39 and 40 have been withdrawn.

Claim Rejections-35 USC §112

Claims 18-25, 28-38, and 41-43 were rejected under 35 U.S.C. §112, first paragraph, for not complying with the enablement requirement. This rejection is respectfully traversed for the reasons below.

The position of the Official Action was that there is no distinguishing composition and procedural features between the claimed invention and the AGGARWAL, but the claims exhibit different properties.

The independent claims 18, 31, and 43 are amended so that the claimed invention is not only distinguished over

AGGARWAL by the resulting properties, but also by the composition. As the currently claimed ranges are also used in the Examples of the present specification, and, thus, the claims do meet with the enablement requirement.

Therefore, withdrawal of the rejection is respectfully requested.

Claim Rejections-35 USC §102

Claims 18-25, 28 and 30 were rejected under 35 USC §102(b) as being anticipated by AGGARWAL, et al. U.S. Patent No. 2,749,247 ("AGGARWAL"). This rejection is respectfully traversed for the reasons discussed below.

Independent claims 18, 31 and 43 recite a binder that comprises (a) 60 to 80% in weight of at least one natural or modified natural resin, of vegetable origin, having a softening point measured according to the standard EN 1427 of 30 to 200°C; and (b) 20 to 40% in weight of at least one oil of vegetable origin having a viscosity at 25°C of 50mPa.s to 1000Pa.s.

AGGARWAL, however, requires that proportions of oil compared to the resin vary from 1.5/1 to 2/1 parts by weight, which represents 60 to 67% by weight of the oil based on the total weight of resin and oil. AGGARWAL fails to disclose or suggest that a binder comprising 20-40% by weight of at least one vegetable oil based on the total weight of resin and oil.

Therefore, AGGARWAL does not anticipate any of the independent claims 18, 31 and 43, or dependent claims, and withdrawal of the rejection is respectfully requested.

Claim Rejections-35 USC §103

Claims 18-25, 28, 29, 31-38, and 41-43 were rejected under 35 USC §103(a) as allegedly being unpatentable over AGGARWAL in view of BARNES et al ("BARNES"). This rejection is respectfully traversed for the reasons discussed below.

As noted above with respect to the anticipation rejection, AGGARWAL fails to disclose or suggest that a binder comprising 20-40% by weight of at least one vegetable oil based on the total weight of resin and oil, recited in independent claims 18, 31 and 43.

BARNES is not able to remedy the shortcomings of AGGARWAL for reference purposes. BARNES discloses that cobalt and manganese octanoate are top driers and barium and zirconium octanoate are through driers, and that some metallic octanoates are oxidative polymerization catalyst.

Therefore, the proposed combination fails to teach or suggest the claimed binder as set forth recited in independent claims 18, 31 and 43, withdrawal of the rejection of all the claims is respectfully requested.

Conclusion

In view of the amendment to the claims and the foregoing remarks, this application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our credit card which is being paid online simultaneously herewith for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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